Select Standing Committee on Children and Youth

Annual Report 2011-12

LEGISLATIVE ASSEMBLY
PROVINCE OF BRITISH COLUMBIA

NOVEMBER 2012

November 21, 2012

To the Honourable
Legislative Assembly of the
Province of British Columbia

Honourable Members:

I have the honour to present herewith the *Annual Report 2011-12* of the Select Standing Committee on Children and Youth.

The Report covers the work of this Committee from November 16, 2011 to October 15, 2012.

Respectfully submitted,

Joan McIntyre, MLA
Chair

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Composition of the Committee

Members

Joan McIntyre, MLA	Chair	West Vancouver-Sea to Sky
Claire Trevena, MLA	Deputy Chair	North Island
Mable Elmore, MLA[1]		Vancouver-Kensington
Sue Hammell, MLA[2]		Surrey-Green Timbers
Randy Hawes, MLA[2]		Abbotsford-Mission
Gordon Hogg, MLA		Surrey-White Rock
Douglas Horne, MLA		Coquitlam-Burke Mountain
Leonard Krog, MLA		Nanaimo
Kevin Krueger, MLA		Kamloops-South Thompson
Richard T. Lee, MLA		Burnaby North
Barry Penner, MLA[3]		Chilliwack-Hope
Nicholas Simons, MLA		Powell River-Sunshine Coast
Dr. Moira Stilwell, MLA[4]		Vancouver-Langara

Committee Staff

Kate Ryan-Lloyd, Deputy Clerk and Clerk of Committees

Byron Plant, Committee Research Analyst

[1] Committee Member to September 17, 2012
[2] Committee Member from September 17, 2012
[3] Committee Member to January 9, 2012
[4] Committee Member from January 26, 2012 to September 17, 2012

Terms of Reference

On October 3, 2011, the Legislative Assembly agreed that the Select Standing Committee on Children and Youth be appointed to be empowered to foster greater awareness and understanding among legislators and the public of the BC child welfare system, and in particular to:

1. Be the committee that receives and reviews the annual service plan from the Representative for Children and Youth (the "Representative") that includes a statement of goals and identifies specific objectives and performance measures that will be required to exercise the powers and perform the functions and duties of the Representative during the fiscal year;
2. Be the committee to which the Representative reports, at least annually;
3. Refer to the Representative for investigation the critical injury or death of a child; and
4. Receive and consider all reports and plans delivered by the Representative to the Speaker of the Legislative Assembly of British Columbia.

In addition to the powers previously conferred upon Select Standing Committees of the House, the Select Standing Committee on Children and Youth be empowered:

a) to appoint of their number, one or more subcommittees and to refer to such subcommittees any of the matters referred to the Committee;
b) to sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;
c) to adjourn from place to place as may be convenient; and
d) to retain personnel as required to assist the Committee;

and shall report to the House as soon as possible, or following any adjournment, or at the next following Session, as the case may be; to deposit the original of its reports with the Clerk of the Legislative Assembly during a period of adjournment and upon resumption of the sittings of the House, the Chair shall present all reports to the Legislative Assembly.

The Work of the Committee

This report covers the annual activities of the all-party Select Standing Committee on Children and Youth (the Committee) during the period from November 16, 2011 to October 15, 2012. During this time, the Committee completed reviews of the Representative for Children and Youth's *Annual Report 2010/11*, *Service Plan 2012/13 to 2014/15*, and five other reports by the Office of the Representative. In addition, the Committee worked with the Office of the Representative to develop its performance measures and completed a review of the *Representative for Children and Youth Act*.

Sue Hammell and Randy Hawes joined the Committee during the reporting period, along with Dr. Moira Stilwell, who served a brief term as a Committee Member. Mable Elmore and Barry Penner also ceased to be Committee Members. Joan McIntyre continued to serve as Chair and Claire Trevena carried on as Deputy Chair. Both the Chair and Deputy Chair serve on the Subcommittee on Agenda and Procedure and the Sub-committee on Critical Injury and Child Death Referrals. One child death was referred to the Representative for investigation during the reporting period.

Schedule of Meetings

Fourth Session

November 16, 2011	Review of Office of the Representative for Children and Youth (RCY) annual report and service plan Meeting with Youth Advisory Committee representatives
February 22, 2012	Review of the *Representative for Children and Youth Act* (Statutory review)
March 6, 2012	Statutory review
March 13, 2012	Statutory review
March 28, 2012	Statutory review
April 17, 2012	Update on RCY activities Update on RCY performance measures review Statutory review
May 1, 2012	Update on RCY performance measures review Statutory review
May 29, 2012	Consideration of the Representative's reports
October 15, 2012	Consideration of the Representative's reports Update on Provincial Office of Domestic Violence
November 21, 2012	Adoption of report

Copies of Representative for Children and Youth reports are available at: www.rcybc.ca/Content/Publications/Reports.asp.

Minutes, transcripts, and reports of the Select Standing Committee on Children and Youth are available on the Legislative Assembly's website at: www.leg.bc.ca/cmt/

Representative for Children and Youth, *Annual Report 2010/11; Service Plan 2012/13 to 2014/15*

The Representative for Children and Youth appeared before the Committee on November 16, 2011 to discuss the *Annual Report 2009/10*, which covers the activities of her Office from April 1, 2010 to March 31, 2011. The *Service Plan 2012/13 to 2014/15*, which contains the Office's future goals, objectives, and performance measures, was also reviewed. Joining the Representative were Jeremy Berland, Deputy Representative, and John Greschner, Chief Investigator and Associate Deputy Representative for Children and Youth.

Summary of *Annual Report 2009/10* (November 16, 2011)

In her summary of the *Annual Report 2009/10*, the Representative provided an overview of progress in the three key program areas of advocacy; critical injury and death reviews and investigations; and monitoring, research, evaluation, and audits.

On advocacy, the Representative reported that the Office had 1,716 new advocacy cases in the reporting period, with staff taking on approximately 130 to 150 new cases per month. The Office has had 6,118 cases since its inception in April 2007.

In the area of reviews of critical injuries and deaths, the Representative stated that 34 deaths have been selected for review and possibly slated for further investigation. Eighty-two critical injuries have also been identified for review by the Office.

Turning to monitoring, research, evaluation, and audit functions, the Representative informed the Committee of projects currently underway and anticipated. She also stated that the Office is in discussion with the Ministry of Children and Family Development about plans to enhance Ministry reporting, which impacts the oversight role of the Representative's Office.

Committee Members also heard about the implications of the new *Family Law Act* and how it will affect parts of the Representative's mandate. The new Act will require the Office to actively support improvements in the family justice and child welfare system, and the criminal justice system.

Summary of *Service Plan 2012/13 to 2014/15* (November 16, 2011)

Next, the Representative reviewed the *Service Plan 2012/13 to 2014/15* and the Office's objectives and strategies in each of the three program areas. On advocacy, Committee Members heard how the Representative is committed to consulting with young people about their needs and to promoting youth participation and involvement in decisions affecting them.

In the area of critical injury and death reviews and investigations, the Representative stated that the Office has been experiencing increased caseloads, and that aggregate reports are underway on suicide and self-harm, mental health, and assaults. The Office is working to strengthen its collaboration with the Coroner's Service, the Public Guardian and Trustee, the Ombudsperson, the Director of Child Protection, and the Provincial Health Officer.

The Committee also was updated on progress in the area of monitoring, research, evaluation, and audits. The Representative outlined additional projects under consideration, noting that there will be stronger emphasis in the upcoming year on working with delegated Aboriginal agencies. This includes monitoring the evaluation of their practice and their ability to meet the needs of vulnerable children.

Committee Inquiry

The Committee inquiry focused on reporting of organizational effectiveness and on how the Office performance is measured in the service plan. Other questions were asked about supports for vulnerable and immigrant children, and how to improve delegated Aboriginal services.

Organization effectiveness

The Representative was asked about the lack of reporting on the status of recommendations in the service plan, and why the service plan no longer includes a section on organizational effectiveness. The Representative stated that information on advocacy cases is contained in the annual report and that the implementation of recommendations is probably not an appropriate performance measure for the Office. The Deputy Representative also explained some of the challenges in measuring organizational effectiveness, including staff retention and recruitment issues, and client satisfaction.

Performance measures

Additional questions were raised about performance measures in the service plan. It was noted that other independent offices such as the Auditor General have identifiable goals and objectives that can be tracked and reported on over time. The Chair also stated that the Committee's terms of reference requires the Committee to receive and review a service plan that "includes a statement of goals and identifies specific objectives and performance measures that will be required to exercise the powers and perform the functions and duties of the Representative during the fiscal year." Adding that the lack of quantifiable performance measures in the service plan has been raised in previous years, the Chair suggested that opportunity exists for the Representative's Office to work with the Committee to make improvements in this area.

Committee Decision (November 16, 2011)

- That the Committee receive both the *Annual Report 2010/11* and *Service Plan 2012/13 to 2014/15* and work with the Office of the Representative for Children and Youth to improve outcome and performance measures for future service plans.

Over the next several months, the Chair and Deputy Chair worked with the Deputy Representative to develop new performance measures for the Office. On April 17, 2012, the Deputy Representative provided an update for Committee Members, including four proposed key areas of performance indicators: program delivery, service efforts and accomplishment; organizational effectiveness and efficiency; employee learning and growth; and client and stakeholder outreach and engagement. The Deputy Representative also described specific performance indicators and activity, including measures, targets, and outputs and activity indicators.

The proposed performance measures were further discussed at the Committee meeting on May 1, 2012. At that meeting, the Committee passed a motion requesting that the Representative for Children and Youth consult with the Office of the Auditor General and the Child Welfare League of Canada with respect to performance measures.

Committee Decision (May 1, 2012)

- That the Committee request that the Office of the Representative for Children and Youth and staff meet and discuss the preparation of performance measures with the Office of the Auditor General and further that these discussions incorporate the input of the Child Welfare League of Canada as appropriate, and further that the Representative for Children and Youth report back to this Committee at the earliest opportunity.

On July 18, 2012, the Chair and Deputy Chair met with staff from the Representative's Office to discuss progress and changes to performance measures, which were subsequently incorporated in the Representative's *2011/12 Annual Report and 2012/13 – 2013/14 Service Plan*, released on September 26, 2012.

The Committee appreciates the work undertaken by the Representative and her Office in this area, and looks forward to continuing collaborative efforts.

Reports Reviewed

Five reports by the Office of the Representative for Children and Youth were reviewed during the reporting period. This included a review of three reports released in 2010 and 2011, along with separate reviews of two 2012 reports of investigations by the Representative.

Representative for Children and Youth: presentation on three reports (April 17, 2012)

On April 17, 2012, the Representative briefed the Committee on the status of three reports previously released by the Office. She was accompanied by Jeremy Berland, Deputy Representative, and John Greschner, Chief Investigator and Associate Deputy Representative. The Committee also met Dawn Wightman, the Office's new Acting Associate Deputy Representative for Aboriginal and Community Relations and Youth Engagement. Ms. Wightman replaces Andrew Robinson, who previously served as the Associate Deputy for Aboriginal Relations and Advocacy.

Representative's Presentation

The first report examined, *Issue Report: Sexual Abuse Intervention Program* (September 2010), made five recommendations to improve the Ministry of Children and Family Development Sexual Abuse Intervention Program, which provides treatment and support for sexually abused children and youth. The Representative informed the Committee that her Office released an update in October 2011 outlining key actions taken in response to the report recommendations. The specific issues addressed in that report are complete, and some ongoing and positive work has resulted.

Next, the Representation discussed another issue report, *Phallometric Testing and B.C.'s Youth Justice System* (April 2011). This report examined the use of penile plethysmograph testing by Youth Forensic Psychiatric Services, part of the Ministry of Children and Family Development. This testing involved the use of a device to measure sexual arousal in males in the Youth Sex Offender Treatment Program. The Representative told the Committee that that the program had been cancelled, and that the Ministry accepted all of the recommendations in the report, including the recommendation to not reinstate the use of this testing.

The third report discussed was *Special Report: Reporting of Critical Injuries and Deaths to the Representative for Children and Youth* (December 2010). This report concerned an incident that was not reported to the Representative in which a special needs child known to the Ministry was left for several days with the body of her deceased mother. The Representative stated that the Ministry has since made changes and now reports all incidents to the Representative. Committee Members heard how this has resulted in a large increase in screening work for the Office and that a new policy is being test-piloted prior to being incorporated into the integrated case management system.

Representative for Children and Youth, *So Many Plans, So Little Stability: A Child's Need for Security* (May 29, 2012)

The Representative for Children and Youth appeared before the Committee on May 29, 2012 to discuss the report *So Many Plans, So Little Stability: A Child's Need for Security.* She was accompanied by John Greschner, Chief Investigator and Associate Deputy Representative and Bill Naughton, Director of Critical Injury and Death Reviews and Investigations. Doug Hughes, Provincial Director of Child Welfare, Ministry of Children and Family Development, was also in attendance.

Representative's Presentation

Released on September 13, 2011, *So Many Plans, So Little Stability: A Child's Need for Security* is the report on the Representative's investigation of the unexpected death of a four-month-old First Nations infant. The baby died of undetermined causes after undergoing numerous different placements over a four-month period, which included time spent in the legal care of the Ministry of Children and Family Development.

The Representative began her presentation by noting the significant overrepresentation of Aboriginal children in the child welfare system. Despite comprising only 8 percent of the BC child and youth population, Aboriginal children and youth comprise 55.4 percent of children in care. Turning to the specific case under investigation, the Representative described how jurisdiction for the infant bounced between the delegated Aboriginal agency and the Ministry. Eleven different placement plans were made over a four-month period. During this time, she added, there was no follow-through or oversight in the case and file transfers were incomplete. The report's overall finding was that there were troubling inadequacies in planning, case management and decision-making, and that there was a systemic failure to consider what was in the child's best interests.

Next, the Committee was briefed on the status of the report's three main recommendations. On the first recommendation—to establish clear accountabilities for child welfare services delivered by delegated Aboriginal agencies—the Representative reported that some of the confusion around responsibility for Aboriginal children has been remediated by the reinstatement of the position of the Provincial Director of Child Welfare. The recommendation, however, has not yet been implemented.

The second recommendation was for the Ministry to take steps to ensure that staff have clear direction to ensure effective case management when children move between communities/offices due to unstable custody arrangements or family relocations, or where there are frequent staff changes. The Representative discussed the importance of good case management and the need for files to be transferred appropriately and promptly when families move.

Lastly, the Representative discussed the third recommendation, which concerned how guardianship applications will be dealt with under anticipated changes to provincial family law. Committee Members were told that the province's new *Family Law Act* addresses this issue but has not been implemented.

Response by Provincial Director of Child Welfare

The Provincial Director of Child Welfare reported that the Ministry has been working with the Representative's office and staff to address challenges around implementing the recommendations. Particular focus has been given to the transfer of children that take place on a fairly regular basis between delegated agencies and Ministry offices.

The Provincial Director added that work is ongoing around the timing of implementation, and that consideration must be given to the tripartite arrangement with the federal government that affects delegated agencies.

Members' Questions

Committee Members asked questions relating to electronic file transfers and Aboriginal agencies; oversight of delegated agencies; and social worker training and codes of conduct. Other questions were raised about Ministry statistics on children coming into care and family mobility; prioritization of casework; integrated case management; and optimization of resource allocation.

Representative for Children and Youth, *Honouring Kaitlynne, Max and Cordon: Make Their Voices Heard Now* (October 15, 2012)

On October 15, 2012, the Committee reviewed the report, ***Honouring Kaitlynne, Max and Cordon: Make Their Voices Heard Now***. In attendance were the Representative, Jeremy Berland, Deputy Representative, John Greschner, Chief Investigator and Associate Deputy Representative and Bill Naughton, Director of Critical Injury and Death Reviews and Investigations.

Representative's Presentation

Honouring Kaitlynne, Max and Cordon: Make Their Voices Heard Now is the Representative's report of a child death investigation involving three BC children killed by their father, Allan Schoenborn, in 2008. Released on March 1, 2012, the report outlines how the children were exposed to domestic violence, untreated parental mental illness, and addictions. Ministry of Children and Family Development social workers and police were in contact with the family over an approximately ten-year period prior to their deaths.

The Representative's presentation summarized the timeline of events leading up to the deaths, including family's involvement with the social safety net of child protection, income assistance, justice, and mental health supports. It was noted how appropriate actions were not taken by a variety of professionals and front-line workers over a period of several years and in two different communities. Concluding that the children's deaths were preventable, the report makes a total of eight recommendations to enhance child safety.

The Representative stated that a key recommendation was that the Ministry of Health and the Ministry of Children and Family Development take immediate steps to ensure that staff and professionals connected to their systems understand the risk factors relating to children of parents

with a serious untreated mental illness. Another main recommendation was for the government to prepare a comprehensive plan by September 2012 to protect children living with domestic violence. The remaining six additional recommendations were directed at four ministries regarding issues that need to be addressed to better protect children now and in the future.

Members' Questions

During the period for questions, Members asked about integrated case management; the responsibilities of individual social workers; and how to improve collaboration across agencies, including health authorities and addiction treatment service providers.

Child Death and Critical Injury Referrals

Pursuant to section 12(2) of the *Representative for Children and Youth Act*, the Committee may refer specific cases of a child death or critical injury to the Representative for investigation.

On April 25, 2012, the Sub-committee on Critical Injury and Child Death Referrals, composed of the Chair and Deputy Chair, met with the Representative to discuss the referral of a case involving a child death in 2000. On May 1, 2012, the Committee formally referred the death of a child identified as "ADW" to the Representative for investigation.

Committee Decision (May 1, 2012)

- That, pursuant to section 12(2) of the *Representative for Children and Youth Act*, the Committee refer to the Representative for investigation the death of a child identified as "ADW" who died in 2000.

Updates for Committee Members

Meeting with Youth Advisory Team representatives (November 16, 2011)

The Committee held a special meeting with representatives from the Youth Advisory Team for immigrant and refugee youth on November 16, 2012. In attendance were youth representatives Josiane Houngbo-Anthony and Diego Cardona, the Representative for Children and Youth, and Vi Nguyen from the Vancouver Foundation.

At the meeting, Committee Members learned about challenges facing immigrant and refugee youth and the 2011 Champions for Children and Youth Summit – *Fresh Voices from Long Journeys: Insights of Immigrant and Refugee Youth*. The summit, an annual event organized by the Office of the Representative, was held in Vancouver on October 13-14, 2011.

Committee Members meet with Youth Advisory Team representatives and the Representative for Children and Youth, November 2011

Provincial Office of Domestic Violence (October 15, 2012)

On October 15, 2012, the Committee met with Cory Heavener, Director of the Provincial Office of Domestic Violence, which began operation on March 26, 2012. Accompanying the Director was Clark Russell, Director of System and Service Co-ordination.

The Director began her presentation by explaining how the Office was established as an immediate response to the Representative's March 1, 2012 report *Honouring Kaitlynne, Max and Cordon: Make Their Voices Heard Now*. The report, which examined the deaths of three BC children killed by their father in 2008, recommended that government prepare a comprehensive plan to protect children exposed to domestic violence.

The Director explained that the new Office, situated in the Ministry of Children and Family Development, is responsible for coordinating programs and government services for domestic violence across government. The Office also will be monitoring, evaluating, and reporting out on the responsiveness of programs and services delivered by government. Its budget is $878,000 and includes a complement of eight staff.

Key principles and deliverables were discussed next. One of the first deliverables is completion of an extensive, in-depth identification and mapping of all government policies, programs and services

related to domestic violence and all domestic violence programs and services in BC communities. Another key deliverable was the completion of an action plan with specific targets and timelines. The plan, released on October 10, 2012, outlines actions and timelines for responding to the Representative's report. Six ministries are involved, including Children and Family Development, Education, Health, Justice, Social Development, and Aboriginal Relations and Reconciliation. The remainder of the Director's presentation focused on the action plan and other responses to report recommendations.

Review of the *Representative for Children and Youth Act*

As required by the statute, the Committee commenced a review of the *Representative for Children and Youth Act* (SBC, 2006, c. 29) in September 2011. The review included meetings with the Representative, officials from the Ministry of Children and Family Development, and Hon. E. N. Hughes. A public call for written submissions was also advertised, inviting stakeholder groups and citizens to provide input on the legislation.

During its review of the Act, the Committee worked collaboratively to identify and address ways in which the legislation could be improved. All of the presentations and written submissions received by the Committee were carefully considered during its deliberations.

On May 3, 2012, the Committee released a report containing seven unanimous recommendations designed to enhance the functioning of the legislation while the Representative continues to provide valuable services for children and youth and their families. They included recommendations to expand and review parts of the Representative's mandate, improve provisions for appointing an acting Representative, facilitate information sharing between the Representative's office and public bodies, and strengthen reporting requirements. The Committee also suggested that the Act be amended to allow for future reviews of the legislation. The report recommendations are as follows:

1. Allow for the appointment by the Lieutenant Governor in Council of an acting Representative if the Representative is suspended, the office is vacant or the Representative is temporarily absent because of illness or another reason, and the House is dissolved and the Select Standing Committee on Children and Youth is not constituted.

2. Allow the Representative to provide advocacy services to young adults between 19 and 24 years of age who are transitioning into the Community Living BC system and/or have received a reviewable service as defined under the Representative for Children and Youth Act within 15 months of their 19th birthday.

3. Require the Select Standing Committee on Children and Youth to complete a review of the Representative's monitoring functions described in section 6(b) by April 1, 2015.

4. Authorize the Representative to investigate the critical injury or death of a child if a public body requests and provides written consent despite 13(1)(c).

5. Allow the Representative to disclose the results of an individual review with the public body or director responsible for the reviewable service.

6. Require the Representative to deliver the service plan to the Speaker before September 30 of each year.

7. Require the Select Standing Committee on Children and Youth to undertake a comprehensive review of this Act or a review of portions of this Act every 5 years, with the first 5-year period beginning on April 1, 2012.

The Committee's full report is available for download at: http://www.leg.bc.ca/cmt/39thparl/session-4/cay/5-39-4-19-5.htm